



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/509,904

09/29/2004

Tetsunosuke Fujisaki

25431-002

1045

32137 7590 03/25/2008

PATENT DOCKET CLERK
COWAN, LIEBOWITZ & LATMAN, P.C.
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

FEARER, MARK D

ART UNIT

PAPER NUMBER

2143

MAIL DATE

DELIVERY MODE

03/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/509,904	Applicant(s) FUJISAKI, TETSUNOSUKE	
	Examiner MARK D. FEARER	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02 November 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 02 November 2004 has been considered by the examiner.

Claim Rejections - 35 USC § 112

Claims 4 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 4 and 17 comprise suspended collaboration. However, suspended collaboration is not defined or disclosed in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 11-12, 14, 16, 24-26, 29-32, 34, 37-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Hurley et al. (US 6678882 B1)

Consider claim 1. Hurley et al. discloses a network collaboration system, comprising: one or more input documents; one or more network connections that receive contributions to the input documents from one or more clients, wherein the contributions combined with the respective input document creates one or more output documents (column 27 line 63 – column 29 line 10); and a collaboration process that permits one or more of the clients to switch between a synchronous and an asynchronous collaboration session (column 24 lines 8-16).

Consider claim 3, as applied to claim 1. Hurley et al. discloses a system wherein the switching occurs when two or more of the clients coordinate to start a synchronous collaboration (column 4 lines 45-67 and column 5 lines 1-14).

Consider claim 11, as applied to claim 1. Hurley et al. discloses a system wherein the collaboration process provides a consistent view of said one or more documents to each of said clients (column 25 lines 23-48).

Consider claim 12, as applied to claim 1. Hurley et al. discloses a system wherein the collaboration process broadcasts the contributions to the input documents to each of said clients (column 28 lines 43-67).

Consider claim 14. Hurley et al. discloses a method comprising the steps of: receiving contributions to one or more input documents from one or more clients over a network; combining the contributions with the respective input documents to create one

or more output documents (column 27 line 63 – column 29 line 10); and switching one or more of the clients between a synchronous and an asynchronous collaboration session to make said contributions to one or more input documents (column 24 lines 8-16).

Consider claim 16, as applied to claim 14. Hurley et al. discloses a method wherein the switching step occurs when two or more of the clients coordinate to start a synchronous collaboration (column 4 lines 45-67 and column 5 lines 1-14).

Consider claim 24, as applied to claim 14. Hurley et al. discloses a method comprising the step of presenting a consistent view of said one or more documents to each of said clients (column 25 lines 23-48).

Consider claim 25, as applied to claim 14. Hurley et al. discloses a method comprising the step of broadcasting the contributions to the input documents to each of said clients (column 28 lines 43-67).

Consider claim 26. Hurley et al. discloses a document management system, comprising: one or more input documents; one or more network connections that receive contributions to the input documents from a plurality of clients, each of said contributions have an associated time; a serializer for ordering said contributions based on said associated time (column 33 line 47 – column 34 line 14); and a broadcaster for broadcasting said contributions to each of said plurality of clients (column 32 lines 14-38).

Consider claim 29, as applied to claim 26. Hurley et al. discloses a document management system wherein said contributions are stored in an addendum database (column 27 lines 1-8).

Consider claim 30, as applied to claim 26. Hurley et al. discloses a document management system wherein each client has a local copy of at least said one of said documents (column 2 lines 5-30).

Consider claim 31, as applied to claim 26. Hurley et al. discloses a document management system wherein a contribution made by a given client is not processed until a broadcast version of the contribution is received (column 24 lines 37-56).

Consider claim 32, as applied to claim 26. Hurley et al. discloses a document management system wherein a contribution made by a given client is processed immediately and a broadcast version of the contribution is discarded (column 24 lines 37-56).

Consider claim 34. Hurley et al. discloses a method comprising the steps of: receiving contributions to one or more documents from a plurality of clients, each of said contributions have an associated time; ordering said contributions based on said associated time (column 33 line 47 – column 34 line 14); and broadcasting said contributions to each of said plurality of clients (column 32 lines 14-38).

Consider claim 37, as applied to claim 34. Hurley et al. discloses a method comprising the step of storing said contributions in an addendum database (column 27 lines 1-8).

Consider claim 38, as applied to claim 34. Hurley et al. discloses a method wherein each client has a local copy of at least said one of said documents (column 2 lines 5-30).

Consider claim 39, as applied to claim 34. Hurley et al. discloses a method wherein a contribution made by a given client is not processed until a broadcast version of the contribution is received (column 24 lines 37-56).

Consider claim 40, as applied to claim 34. Hurley et al. discloses a method wherein a contribution made by a given client is processed immediately and a broadcast version of the contribution is discarded (column 24 lines 37-56).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurley et al. (US 6678882 B1) in view of Danielsen et al. (US 7171448 B1).

Consider claims 2 and 15, as applied to claims 1 and 14, respectively. Hurley et al. discloses a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods. However, Hurley et al. fails to disclose a system wherein the switching occurs when one of the clients in an asynchronous collaboration session invites one or more new clients to a synchronous collaboration session. Danielsen et al. discloses a system for conducting activities in a collaborative work tool architecture wherein switching occurs when a the client in an asynchronous collaboration session invites one or more new clients to a synchronous collaboration session (column 13 lines 58-67 and column 14 lines 1-11).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate a system for conducting activities in a collaborative work tool architecture wherein switching occurs when a the client in an asynchronous collaboration session invites one or more new clients to a synchronous collaboration session as taught by Danielsen et al. with a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods as taught by Hurley et al. for the purpose of collaboration sessions.

Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurley et al. (US 6678882 B1) in view of Abileah et al. (US 20020038336 A1).

Consider claims 4 and 17, as applied to claims 1 and 14, respectively. Hurley et al. discloses a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods. However, Hurley et al. fails to disclose a system wherein one or more of the clients resume a suspended synchronous collaboration. Abileah et al. discloses an IMS transaction messages metamodel wherein one or more clients resume a suspended synchronous collaboration (paragraphs 0086 and 0249-0255).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate an IMS transaction messages metamodel wherein one or more clients resume a suspended synchronous collaboration as taught by Abileah et al. with a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods as taught by Hurley et al. for the purpose of activity based collaboration sessions.

Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurley et al. (US 6678882 B1) in view of Powers et al. (US 6912565 B1).

Consider claims 5, 18, 27 and 35, as applied to claims 1, 14, 26 and 34, respectively. Hurley et al. discloses a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods. However, Hurley et al. fails to disclose a system wherein the switching occurs when all of said clients leave the session. Powers et al. discloses a distributed virtual environment wherein switching occurs when all clients leave a session (column 2 lines 30-40).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate a distributed virtual environment wherein switching occurs when all clients leave a session as taught by Powers et al. with a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods as taught by Hurley et al. for the purpose of consistency control in a collaboration session.

Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurley et al. (US 6678882 B1) in view of Isada et al. (US 6647016 B1).

Consider claims 6 and 19, as applied to claims 1 and 14, respectively. Hurley et al. discloses a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods. However, Hurley et al. fails to disclose a system wherein switching occurs when all of said clients

switch the session to an asynchronous session. Isada et al. discloses a communication control method, communication control apparatus, and storage medium wherein switching occurs when all clients switch the session to an asynchronous session (column 22 lines 28-38).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate a communication control method, communication control apparatus, and storage medium wherein switching occurs when all clients switch the session to an asynchronous session as taught by Isada et al. with a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods as taught by Hurley et al. for the purpose of synchronous collaboration based on dynamic clients.

Claims 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurley et al. (US 6678882 B1) in view of Olek (US 4729126 A).

Consider claims 7 and 20, as applied to claims 1 and 14, respectively. Hurley et al. discloses a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods. However, Hurley et al. fails to disclose a system wherein the collaboration process provides a synchronous collaboration component as an incremental addition to an asynchronous collaboration component. Olek discloses a method and apparatus for supervising the accessing and testing of communication systems wherein a collaboration process

provides a synchronous collaboration component as an incremental addition to an asynchronous collaboration component (column 9 lines 32-43).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate a method and apparatus for supervising the accessing and testing of communication systems wherein a collaboration process provides a synchronous collaboration component as an incremental addition to an asynchronous collaboration component as taught by Olek with a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods as taught by Hurley et al. for the purpose of integrating synchronous and asynchronous collaboration activities.

Claims 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurley et al. (US 6678882 B1) in view of Olek (US 4729126 A) and in further view of Aravamudan et al. (US 6732145 B1).

Consider claims 8 and 21, as applied to claims 7 and 20, respectively. Hurley et al., as modified by Olek, discloses a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods. However, Hurley et al., as modified by Olek, fails to disclose a system wherein the incremental addition intercepts a contribution event from a client and broadcasts the intercepted contribution events to other clients. Aravamudan et al. discloses a method of collaborative browsing of the internet wherein an incremental

addition intercepts a contribution event from a client and broadcasts the intercepted contribution events to other clients (column 3 lines 55-67 and column 4 lines 1-11).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate a method of collaborative browsing of the internet wherein an incremental addition intercepts a contribution event from a client and broadcasts the intercepted contribution events to other clients as taught by Aravamudan et al. with a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods as taught by Hurley et al., as modified by Olek, for the purpose of multilayer peer-to-peer framework for distributed collaboration.

Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurley et al. (US 6678882 B1) in view of Olek (US 4729126 A) in further view of Aravamudan et al. (US 6732145 B1) and in further view of Chafle et al. (US 20020152271 A1).

Consider claims 22 and 23, as applied to claim 21, respectively. Hurley et al., as modified by Olek and Aravamudan et al., discloses a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods. However, Hurley et al., as modified by Olek and Aravamudan et al., fails to disclose a system wherein the contribution events are processed based on a time of arrival. Chafle et al. discloses a method of synchronous

collaboration based on peer-to-peer communication wherein the contribution events are processed based on a time of arrival (paragraphs 0031-0033).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate a method of synchronous collaboration based on peer-to-peer communication wherein the contribution events are processed based on a time of arrival as taught by Chafle et al. with a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods as taught by Hurley et al., as modified by Olek and Aravamudan et al., for the purpose of integrating synchronous and asynchronous collaboration activities.

Claims 9-10, 27-28 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurley et al. (US 6678882 B1) in view of Chafle et al. (US 20020152271 A1).

Consider claims 9-10, 27-28 and 35-36, as applied to claims 1, 26 and 34, respectively. Hurley et al. discloses a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods. However, Hurley et al. fails to disclose a system wherein the collaboration process implements the contributions to the input documents based on a time of arrival or a global time stamp. Chafle et al. discloses a synchronous collaboration based on peer-to-peer communication wherein the collaboration process

implements the contributions to the input documents based on a time of arrival or a global time stamp (paragraphs 0031-0034).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate a synchronous collaboration based on peer-to-peer communication wherein the collaboration process implements the contributions to the input documents based on a time of arrival or a global time stamp as taught by Chafle et al. with a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods as taught by Hurley et al. for the purpose of integrating synchronous and asynchronous collaboration activities.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hurley et al. (US 6678882 B1) in view of Varma et al. (US 6334141 B1).

Consider claim 13, as applied to claim 1. Hurley et al. discloses a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods. However, Hurley et al. fails to disclose a system wherein the contributions comprise at least one of a comment, a change request and an incremental modification of a document. Varma et al. discloses a distributed server for real-time collaboration wherein the contributions comprise at least one of a comment, a change request and an incremental modification of a document (column 9 lines 11-67 and column 10 lines 1-67).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate a distributed server for real-time collaboration wherein the contributions comprise at least one of a comment, a change request and an incremental modification of a document as taught by Varma et al. with a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods as taught by Hurley et al. for the purpose of rules based collaboration.

Claims 33 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurley et al. (US 6678882 B1) in view of Bodin et al. (US 20030014530 A1).

Consider claims 33 and 41, as applied to claims 26 and 34, respectively. Hurley et al. discloses a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods. However, Hurley et al. fails to disclose a system wherein each client implements each contribution that is received from said broadcaster. Bodin et al. discloses a method of broadcast user controls for streaming digital content under remote direction wherein each client implements each contribution that is received from said broadcaster (paragraph 0082).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate a method of broadcast user controls for streaming digital content under remote direction wherein each client implements each

Art Unit: 2152

contribution that is received from said broadcaster as taught by Bodin et al. with a collaborative model for software systems with synchronization sub model with merge feature, automatic conflict resolution and isolation of potential changes for reuse comprising asynchronous and synchronous collaboration methods as taught by Hurley et al. for the purpose of a collaborative development platform.

Conclusion

Any response to this Office Action should be faxed to (571) 273-8300 or mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window

Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Mark Fearer whose telephone number is (571) 270-1770. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Mark Fearer
M.D.F./mdf
March 13, 2008

/Kenny S Lin/
Primary Examiner, Art Unit 2152